

1 Hirschhorn 355

2 September 24th, correct?

3                   A.     Correct.

4 Q. The reason you gave during the meeting for  
5 terminating Miss Schmidt's employment was that she  
6 hadn't met the 40 number in terms of providing  
7 services to 40 youths, providing intensive  
8 case-management services to 40 youths, correct?

9           A.    Not just not reaching that goal but being  
10           so far short of that goal.

11 Q. And did you specifically go into what you  
12 mean by being so far short of meeting that goal?

13 A. I don't remember that.

14 Q. Did you ever tell Miss Schmidt during the  
15 meeting that you would give her a negative reference  
16 if she didn't quit?

17                   A.     Absolutely not.   And I am outraged that  
18                   she would say I said that because I did not say that  
19                   and I would never say that and that's not the truth.  
20                   It was not said.

21 Q. Who prepared the letter of termination?

22 A. Anthony Zenkus.

23 Q. And Anthony Zenkus gave Miss Schmidt the  
24 letter of termination, correct?

25 A. Yes.

1 Hirschhorn 356

2 MS. WONG: Can we have this marked as  
3 Hirschhorn Exhibit 66 and handed to the  
4 witness.

5 (Hirschhorn Exhibit 66, document Bates  
6 stamped 176 through 177, marked for  
7 identification, as of this date.)

8 MS. WONG: For the record, what has been  
9 marked as Hirschhorn Exhibit number 66 is a  
10 two-page document Bates labeled 176 to 177.

11 Q. Can you identify this document as your  
12 interoffice memorandum to Maria Georgiou dated  
13 September 26, 2003?

14 A. Yes.

15 Q. And you provided this interoffice  
16 memorandum to Miss Georgiou the day after you fired  
17 Miss Schmidt, correct?

18 A. Correct.

19 Q. Why did you provide this interoffice  
20 memorandum to Miss Georgiou?

21                   A.     It seemed like the appropriate,  
22 professional thing to do.

23 Q. Did Miss Georgiou ask for this memo?

24 A. NO.

25 Q. What was your purpose in putting together

1 Hirschhorn 357

2 this interoffice memorandum?

3                   A. Again, it seemed the appropriate,  
4 professional thing to do.

5 Q. Why did it seem the appropriate,  
6 professional thing to do?

7           A.     Because Miss Georgiou is the director of  
8     the agency. I report directly to her. This was a  
9     significant event in the agency. I knew that she  
10    would want to discuss it with me when I had my  
11    supervision with her, so I gave it to her in advance  
12    of that supervision.

13 Q. Was this interoffice memorandum to  
14 memorialize all that had transpired during your  
15 meeting with Miss Schmidt about her termination?

16           A.     I don't know that it was to memorialize  
17     it.  As I said, it was to professionally report it  
18     to my supervisor.

19 Q. And this interoffice memorandum concerns  
20 the reason for terminating Miss Schmidt's  
21 employment, correct?

22 A. Correct.

23 Q. And this memorandum reports all that you  
24 felt was important for Miss Georgiou to know  
25 concerning Miss Schmidt's termination, correct?

1 Hirschhorn 358

2           A.    At the time I prepared it, it seemed to be  
3        as complete a report as I felt she would need prior  
4        to my supervision.

5 Q. You can set this document aside.

6       Actually, let me just refer you back to this  
7       exhibit. Is there any notation anywhere in the memo  
8       about what specific directions Miss Schmidt failed  
9       to comply with in order to increase her case  
10      numbers?

11           A.    I don't see a reference to specific  
12           directions that she did not follow.

13 Q. I want to direct your attention to the  
14 second paragraph of this interoffice memorandum.  
15 You noted that just prior to Miss Schmidt's  
16 September 17th performance appraisal, you performed  
17 a spot check of nine of her case files, correct?

18 A. That is correct.

19 Q. And from your spot check, you ascertained  
20 that four had only been seen one time?

21 A. Four of the nine that were spot checked.

22 Q. And the other five had been seen more than  
23 once then?

24 A. That would appear to be true.

25 Q. And you are saying the four in your memo

1 Hirschhorn 369

2 on the second page of this exhibit, number 69, does

3 the response state all the facts that support the

4 basis for terminating Miss Schmidt's employment?

5 A. I believe so.

6 Q. Directing your attention to Interrogatory  
7 Number 6, did you review case files in response to  
8 this question?

9           A.    I reviewed case files for 2003.  I relied  
10          on the reports that had been filed previously for  
11          the other years' numbers.

12 Q. Why didn't you review the case files for  
13 the other years?

14                   A.     Because the reports were already official  
15 documents.

16 Q. And did you believe that you could rely on  
17 those reports that are official documents?

18           A.    We had put them on record, and that was  
19           the reported number.

20 Q. Okay. So in terms of the 44 clients that  
21 were served in 2000, what services were provided to  
22 them by Miss Schmidt?

23           A. I don't have the report in front of me. I  
24           cannot tell you that.

25 Q. What report are you relying on to get that

370

1 Hirschhorn 370

2 number 44?

3           A.     The number 44, then that next number 44,  
4     the 27 and the 28 would all be from the OCFS Annual  
5     Reports.

6 Q. So whatever services are stated in the  
7 Annual Reports for those years, 2000 through 2002,  
8 would be the services that the number of clients  
9 listed here received?

10                   A.    That's the report that exists for those  
11                   years, so that's the numbers that are reflected in  
12                   this document. Those are the official numbers for  
13                   the project for those years because they're the ones  
14                   that had gone on file to OCFS.

15 Q. And my question to you is, what services  
16 speak specifically to 2000 for the time that the 44  
17 clients received?

18 A. I can't answer without the case files.

19 Q. And you didn't review the case files in  
20 responding to this interrogatory, correct?

21           A.    As I said before, I did not. I relied on  
22           the fact that we had filed official reports and the  
23           reports that were official of the numbers that were  
24           contained in them contained likewise in this  
25           document.

1 Hirschhorn 382

2 report, you had already reviewed case files to

3 ascertain that indeed 28 individuals had received

4 intensive case-management services; is that correct?

5 A. No. As I have said before, they had  
6 received some form of counseling individually.

7 Q. You testified that in 2003 you started  
8 reviewing case files to determine which ones  
9 received intensive case-management services, right?

10 A. I did a spot check in 2003.

11 Q. So when you compiled a report in 2004 for  
12 2003 and you had to note the number of clients who  
13 received intensive case-management services, did you  
14 then verify from the case files that 28 individuals  
15 received intensive case-management services?

16 A. We verified that 28 had case files opened  
17 and received some individual counseling.

18 Q. Let me direct your attention to Hirschhorn  
19 Exhibit Number 5. Just to be clear, in 2003 you had  
20 discovered that not every client that has been  
21 logged in the logbook received intensive  
22 case-management services; is that correct?

23 A. I believe so.

24 Q. And you know that the Program Annual  
25 Report requires you to note the number of

1 Hirschhorn 383

2 individuals who received intensive case-management  
3 services, right?

5 Q. Okay. So in 2004 when the report was put  
6 together for what services had been provided in  
7 2003, there should have been a determination as to  
8 the actual number of youth provided intensive case-  
9 management services, right?

10           A.    That would have made it a more accurate  
11           report, yes.

12 Q. And now directing your attention to the  
13 second page of Hirschhorn Exhibit Number 5, which is  
14 Bates labeled 1193, the first sentence reads,  
15 "Independent Living Skills counseling and intensive  
16 case-management were provided to 28 youth in 2003,"  
17 correct?

18 A. Right, and it should have said 40.

19 Q. What should have, where?

23 Q. Why should it say when you have to provide  
24 intensive case-management services to at least 40  
25 clients?

384

1 Hirschhorn 384

2           A.     Because that objective was not met, but  
3     counseling or intensive case management was provided  
4     to 28 youth.

5 Q. And how many youths received intensive  
6 case-management services?

9 Q. And this report doesn't say that, does it?

10 A. It does not state that.

11 Q. And you know that the funding requires  
12 intensive case-management services, not other  
13 counseling, but intensive case management --

14 A. I have no --

15 Q. Let me finish my question.

16 -- only to at least 40 youths, right?

17 A. Yes.

18 Q. So that information which is the whole  
19 objective, one of the principles --

20 A. Right.

21           Q.    Would it be fair to say that one of the  
22        main objectives and requirements for the OCFS  
23        funding is to provide intensive case-management  
24        services to at least 40 youths?

25 A. Yes.

1 Hirschhorn 385

2 Q. So that critical piece of information at  
3 least had been accurately reflected in this report,  
4 correct?

5 A. Yes, and it should say "or" instead of  
6 "and" there.

7 Q. Okay. And --

8 A. Or, and/or.

9                   Q.     Anywhere in this report do you see that  
10                   that very important piece of information that should  
11                   have been included which is the exact number of  
12                   youth who received intensive case-management  
13                   services?

14           A. I don't see that number, but I do see the  
15           next paragraph here from the bottom, the Independent  
16           Living Skills Program did not meet its program  
17           objectives for the second year in a row.

18 Q. Okay. And the Independent Living Skills  
19 Counseling position was not lost on account of this  
20 goal not having been met, right?

21           A.     The OCFS grant was not lost.   However, we  
22     did lose the federal grant which was a third of  
23     payment for the Stils position.

24 Q. But in terms of the OCFS funding, which is  
25 the only grant that requires 40 youths to be

1 Hirschhorn 386

2 provided intensive case-management services, that  
3 grant was not lost?

4 A. That grant was not lost.

5 Q. Do you know whether the seven clients that  
6 were served by Miss Schmidt's replacement received  
7 intensive case-management services?

8           A.    Without looking at it, I cannot tell you  
9           for sure.

10 Q. Did you have any conversations with Mr.  
11 Zenkus about this report?

12                   A. When you speak of conversations, I'm not  
13                   sure what you mean.

14 Q. Did you talk to Mr. Zenkus at all about  
15 this Annual Report?

16 A. Certainly.

17 Q. Did you tell him that he needed to note  
18 the number of youths who received intensive  
19 case-management services?

20                   A. I told him that he needed to report as  
21                   accurately as he could about the program and that he  
22                   also needed to keep in mind that we needed to be  
23                   mindful of the fact that we were very deficient and  
24                   that he needed to be as accurate as he could but  
25                   also to be mindful that we don't want to stress so

1 Hirschhorn 387

2 much how badly we have been doing but how we intend  
3 to do better.

4 Q. Did you ever tell him that he should  
5 identify the number of youths who received intensive  
6 case-management services in 2003?

7 A. I don't know that I ever told him to  
8 separate those from the counseling.

9           Q.     Did you ever tell him that he could  
10            include it all together?

11           A.    I don't believe so.  And I don't believe  
12           that that was his intention to do that.  I think it  
13           was a typo.  same as "Sanctuary" is another typo.

14 Q. I understand, but I also have noted that  
15 one of the primary requirements of the OCFS grant is  
16 to provide intensive case-management services to 40  
17 people, and that information itself should have been  
18 provided, right?

19 A. Yes.

20 Q. And it hasn't been provided anywhere in  
21 this report, right?

22           A.    It is not certain that it is provided  
23       nowhere in the first, but it's mixed with counseling  
24       in the after.

25 Q. Tell me where you find the information

1 Hirschhorn 388

2 specifically about the number of youths that  
3 received intensive case-management services.

4 A. I don't find that.

5 Q. You can set it aside. Miss Schmidt's  
6 replacement is Elizabeth Brown, correct?

7           A.    That was the person that came in December,  
8           yes.

9 Q. Was it Mr. Zenkus's recommendation that  
10 Miss Brown be hired?

11                   A.     Yes.   The Project Director always is the  
12                   person who makes the first recommendation of who  
13                   would be hired.

14 Q. Did you interview Miss Brown for the  
15 position?

16           A.     I believe I did participate in the second  
17     interview that he did with her, I'm not 100 percent  
18     sure, but I believe so.

19 Q. Was it Mr. Zenkus who extended the offer  
20 to Miss Brown ultimately?

21 A. Yes.

22 Q. Miss Brown, when she was hired, she was in  
23 her 20s; is that fair to say?

24 A. I don't know. I know her to be a recent  
25 college graduate, I don't know if she had

1 Hirschhorn 394

2 A. Correct.

3 MS. WONG: I have already, I believe,  
4 called for the production of it, but I will  
5 reiterate my request for such production of the  
6 applications for the OCFS funding for the  
7 Sanctuary Family Social Worker position for the  
8 relevant time period.

9 Q. In 2003 the Family Social Worker failed to  
10 meet the program objective for the OCFS funding; is  
11 that correct?

12 A. That is correct.

13 Q. How did you arrive at the number 61 as the  
14 number of clients served by the Runaway Social  
15 Worker in 2001?

16 A. That was through a count of the statistics  
17 that had been kept by the Runaway Social Worker in  
18 the logbook, and also by the reports that had been  
19 filed to Office of Children -- no, Association for  
20 Families and Youth, I think, anyway, the federal  
21 agency that provides the money.

22 Q. The Basic Center grant?

23 A. The Basic Center grant, right. And it  
24 would have been, it's a cooperative number, the 44  
25 the 29 and the 61 would be the total number of youth

1 Hirschhorn 438

2 A. They did talk to me a little bit about  
3 that. And what I remember is that I said yes, I did  
4 suggest to him that he speak to Janie first. I  
5 didn't say give a memo and then speak to her and  
6 give a memo to them and then speak to them and how  
7 to divide up and name names differently as to what  
8 his direction from me was, memo every worker, so  
9 it's specific and they know what their talking  
10 about, schedule a time to talk with each worker, but  
11 start with Janie because she's been here the  
12 longest, the others have been in their positions a  
13 shorter period of time and then move on to them.

19 Q. When you said you thought it had been  
20 explained earlier to them about the memo situation,  
21 who did you think had earlier explained it to them?

22 A. Anthony.

23 Q. And why did you think Anthony Zenkus had  
24 explained it to them?

25 A. Because I believe he and I discussed that

1 Hirschhorn 449

2 the book? Let's see if we can find 55.

3 EXAMINATION BY MR. STOLZER:

4 Q. You testified about that document when  
5 Miss Wong was asking you questions the last time; do  
6 you have any additional testimony after  
7 reconsidering?

8           A.    Yes.  I did go back and review because it  
9           was troubling to me that there was a number 45 and  
10          there was a number 31 and 13, which could in no way  
11          add up to be 45.  So I did go back for the year 2004  
12          and go through every Stils case file that had been  
13          opened.

14 And once again, we had typos that were  
15 included, unfortunately, in a report that went in.  
16 The correct number should have been 35 youth in the  
17 first instance where it had 31, and where it says an  
18 additional 13 youth, it should have said an  
19 additional 10 youth. And that was verified by  
20 reviewing every case record that was included in the  
21 count of 45.

22 Q. Anything else you want to add?

23 A. NO.

24 MR. STOLZER: Okay, thank you.

25 MS. WONG: Just a quick follow-up to that.

450

1 Hirschhorn 450

2 FURTHER EXAMINATION BY MR. WONG:

3 Q. So are you saying that 35 individuals  
4 received intensive case-management services in 2004?

5 A. Yes.

6 Q. Is that 35 receiving intensive case  
7 management or counseling or just intensive case  
8 management?

9                   A.    Actually received intensive case  
10                 management.  When I went back through and counted,  
11                 they did receive, 35 did receive intensive case  
12                 management.

13 Q. And when you say when you went back and  
14 counted, you reviewed all the case files?

15                   A.     I pulled out every case file and went  
16                   through and I looked through the closing summaries  
17                   and also the case notes.

18 Q. And the 10 youths received what kind of  
19 services?

#### 20 A. Brief services.

21 Q. But the 35 who received intensive  
22 case-management services still is short of the 40  
23 that are required to receive intensive  
24 case-management services?

25 A. That's true.

## EXHIBIT 3

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2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

6

Plaintiff,

7

-against-

8

05 CV 4559  
(DRH) (WDW)

10

TOWN OF HUNTINGTON and HUNTINGTON  
YOUTH BUREAU YOUTH RESEARCH  
INSTITUTE, INC.,

12

Defendants.

13

14

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16

DEPOSITION OF ANTHONY ZENKUS

17

Wednesday, July 12, 2006

18

New York, New York

20

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23

REPORTED BY:

24

25 Holly Hough

Zenkus 7/12/06

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July 12, 2006

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9:40 a.m.

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Deposition of ANTHONY ZENKUS, taken by

15

16

Plaintiff, pursuant to Subpoena, at the offices of

17

18

Equal Employment Opportunity Commission, 33

19

20

Whitehall Street, New York, New York, before Holly

21

22

Hough, a Shorthand Reporter and Notary Public within

23

24

and for the State of New York.

25

Zenkus 7/12/06

1 Zenkus 16  
2 know that everything that I brought with me was  
3 everything that I needed to bring with me as far as  
4 papers. There's a chance they exist, and if I find  
5 them, you will have them.

6 Q. Okay, yes. I would like that you provide  
7 them to me as soon as you find them, all right?

8 A. Yeah, no problem.

9 Q. I just want to go over your background a  
10 bit. When were you born?

11 A. 1964, October 3rd.

12 Q. Do you play in a band?

13 A. Yeah.

14 Q. What's the name of the band?

15 A. Right now I'm in a band called the Murena  
16 Project.

17 Q. What kind of music do you perform?

18 A. Pop rock.

19 Q. And do you play an instrument with the  
20 band?

21 A. I play keyboards.

22 Q. Did you previously belong to another band?

23 A. Yeah.

24 Q. What is the name of that band?

25 A. Joe Lies.

1 Zenkus 25

2 Now you went from being a Substance Abuse Case  
3 Coordinator for the Coalition on Child Abuse &  
4 Neglect to working at the Sanctuary Project?

5 A. Yes.

6 Q. How did you go about getting your job at  
7 the Sanctuary Project?

8 A. I received a phone call from Karen Haber.  
9 I can't remember the date, but I can remember what I  
10 was doing was at a fund-raising event. Now it's  
11 referred to as --

12 Q. That's fine.

13 A. It was a fund-raising event. And Karen  
14 Haber called me to let me know there was a position  
15 available. Actually, she let me know there were two  
16 positions that they were looking at. I think at the  
17 time the Director of Drug and Alcohol, and then the  
18 Director of Sanctuary, or maybe the Drug and Alcohol  
19 was filled. I wasn't interested in leaving my  
20 position at the time where I was. She was  
21 encouraging me to take it.

22 Q. And what is Karen Haber's position?

23 A. She is either Director or Executive  
24 Director of YDA, East Northport office, CYA, I'm not  
25 sure how you want to refer to it, but Youth

1 Zenkus 26

2 Directions and Alternatives.

3 Q. And what did you do after receiving the  
4 call from Karen Haber about the opening at the Youth  
5 Bureau?

6 A. I don't recall. I don't believe I put my  
7 resume in right away. I think she spoke to me again  
8 because I really wasn't in a position to, I wasn't  
9 looking for another job and I wasn't sure that I  
10 wanted to go back to the Youth Bureau either.

11 Q. At some point did you then decide to apply  
12 for the position at the Sanctuary Project?

13 A. Yes, I did.

14 Q. How did you go about applying for the job  
15 at the Sanctuary Project?

16 A. I really don't remember. I guess I  
17 submitted a resume and waited to hear. I really  
18 don't recall.

19 Q. You don't recall the process at all?

20 A. No.

21 Q. Do you recall whether you interviewed with  
22 anyone for the position?

23 A. Yes.

24 Q. Who did you interview with?

25 A. I interviewed with Patsy Hirschhorn.

Zenkus 7/12/06

1 Zenkus

27

2 Q. Do you recall Patsy Hirschhorn's title at  
3 the time when she interviewed you?

4 A. No.

5 Q. Did you interview with anyone else other  
6 than with Miss Hirschhorn?

7 A. I don't know. I can't recall. I don't  
8 believe so. I don't think so.

9 Q. Do you recall who extended you the job  
10 offer to work at the Sanctuary Project?

11 A. Patsy Hirschhorn.

12 Q. And when did you accept the offer?

13 A. I don't remember. You mean the date? I'm  
14 clarifying your question. Do you want to know what  
15 date I accepted?

16 Q. Actually, let me ask a different question.  
17 When did you start working at the Sanctuary Project?

18 A. December 9, 2002.

19 Q. And what was your title at the Sanctuary  
20 Project?

21 A. Project Director.

22 MS. WONG: I'd like to have this marked as  
23 Zenkus Exhibit 3 and shown to the witness.

24 (Zenkus Exhibit 3, document Bates stamped  
25 6015, marked for identification, as of this

1 Zenkus

28

2 date.)

3 MS. WONG: For the record, what has been  
4 marked as Zenkus Exhibit Number 3 is a one-page  
5 but two-sided document Bates labeled 6015  
6 through 6016.

7 Q. Mr. Zenkus, can you identify this document  
8 as your employment application for the Sanctuary  
9 Project Director position?

10 MR. CLARK: Just for the record, it's also  
11 a document that is covered by the  
12 confidentiality agreement in place in the case.

13 MS. WONG: That's fine, but the  
14 confidentiality agreement states that it can be  
15 shown to the recipient.

16 MR. CLARK: I understand. I just want it  
17 noted for the record so whoever reads the  
18 transcript knows that any testimony regarding  
19 it is covered by the agreement.

20 Q. Do you need the question read back to you?

21 A. If the question is do I recognize it as my  
22 employment application, yes, I recognize it as that.

23 Q. If you turn it over to the second side of  
24 this page, is that your signature at the bottom?

25 A. Yes.

Zenkus 7/12/06

1 Zenkus 29

2 Q. And it is dated November 20, 2002,  
3 correct?

4 A. Yes.

5 Q. You can set this document aside for the  
6 time being.

7 When you started working at the Sanctuary  
8 Project as a Director, you were 38 years old at the  
9 time; is that correct?

10 A. 2002, yes, yeah.

11 Q. Is that a yes?

12 A. Yeah.

13 Q. What were your responsibilities as the  
14 Director of the Sanctuary Project?

15 A. Overseeing and management of the grants,  
16 supervision of full-time and part-time staff, at  
17 times some minor grant writing, agency PR, the daily  
18 functioning of the agency, I'm sorry, of the  
19 project, whatever else they asked me to do.

20 Q. When you say whatever else they asked me  
21 to do, who is they?

22 A. My supervisors, my supervisor, Patsy  
23 Hirschhorn, I'm sorry.

24 Q. Other than Patsy Hirschhorn, did you have  
25 any other supervisors?

Zenkus 7/12/06

1 Zenkus 30

2 A. As I understood it, all of the  
3 administrators on what we call the second floor of  
4 the Youth Bureau, they were all superiors to any  
5 project director, Maria Georgiou was over Roxanne, I  
6 don't remember her last name -- Sands? I believe  
7 Janine Salgado, and Patsy Hirschhorn. Patsy  
8 Hirschhorn had oversight of Sanctuary, and I believe  
9 Excel.

10 Q. Are you saying that you also reported to  
11 Maria Georgiou, Roxanne, and Janine Salgado?

12 A. I really depends. I did not report to  
13 them regularly in a supervisory relationship. I did  
14 meet with Patsy Hirschhorn on a regular basis for  
15 supervision and for, she was the person that was my  
16 direct boss.

17 However, if anything ever came up that  
18 Maria, Roxanne or Janine needed to speak to me  
19 about, they could call and talk to me, since they  
20 were administrators at a higher level than I was.

21 Q. And Maria Georgiou was an administrator at  
22 a higher level than Patsy Herschhorn?

23 A. Yes.

24 Q. Was Roxanne Sands an administrator at a  
25 higher level than Patsy Hirschhorn?

1 Zenkus 31

2 A. My understanding is that Roxanne, Janine  
3 and Patsy were all even. It's never been explained  
4 to me. That's how it appeared to me.

5 Q. What was Roxanne Sands' position in 2002  
6 when you first joined the Sanctuary Project?

7 A. They were all known as Youth Services  
8 Coordinators, but I can tell you that that's  
9 probably not their exact titles. They're town  
10 employees. I don't know what her title was. I did  
11 not report directly to her, I reported directly to  
12 Patsy.

13 Q. When you say they are town employees, can  
14 you please be clear who you are referring to.

15 A. Yes. Janine Salgado, Patsy Hirschhorn,  
16 Roxanne Sands are employees, as I understood it, of  
17 the town of Huntington.

18 Q. And you say that they are all Youth  
19 Services Coordinators of sorts; who are you  
20 referring to when you say they?

21 A. Janine Salgado, Patsy Hirschhorn, Roxanne  
22 Sands.

23 Q. And when you say that Janine Salgado,  
24 Patsy Hirschhorn and Roxanne Sands are town  
25 employees, what do you mean by that?

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2 A. They work for the town of Huntington.

3 Q. Are they also considered Youth Bureau  
4 employees?

5 MR. CLARK: Object to the form. You can  
6 answer to the extent you have an answer.

7 A. I think you'd have to ask them. I  
8 actually don't understand the entire structure the  
9 way it's set up.

10 Q. But your understanding is that they work  
11 for the town?

12 A. That's my understanding.

13 Q. Okay. And where did you get this  
14 understanding from?

15 A. I don't know. It's just something I knew.  
16 Everyone, everyone at the Youth Bureau knew that the  
17 people that were in administration were, actually, I  
18 don't know. They made the assumption that you got a  
19 town job, you were paid better, you were in a union  
20 and the hours might be nicer. So that's kind of how  
21 I saw it.

22 Q. In terms of however you knew that Patsy  
23 Hirschhorn, Janine Salgado and Roxanne Sands are  
24 town employees, do you recall how you learned of  
25 that?

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2 A. I think, I can't say always, but I think I  
3 have known for quite some time that the people in  
4 those positions were in a union and worked for the  
5 town.

6 Q. What is the basis of that information; do  
7 you know?

8 A. No.

9 Q. Somehow you had that information; you  
10 don't recall where you got it from, right?

11 A. My best response is that it would be  
12 common knowledge for people, my belief is that it  
13 was common knowledge for people that worked  
14 especially for the project that the people  
15 downstairs, as we referred to them as they worked  
16 for the town.

17 Q. And these individuals who worked for the  
18 town, Janine Salgado, Roxanne Sands and Patsy  
19 Hirschhorn, did they run the Youth Bureau?

20 A. Define worked.

21 MR. CLARK: Object to the form.

22 A. I'm confused about your question.

23 Q. Did they manage the Youth Bureau?

24 A. Yes. They were responsible, each was  
25 responsible for different aspects of the Youth

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2 Bureau and the Youth Development Research Institute,  
3 which was a 501C3 that was restructured, as I  
4 remember, to get grants that municipalities could  
5 not get. It's referred to as HYBYDRI, I believe, at  
6 least it was when I was there.

7 Q. Are you saying that Huntington Youth  
8 Bureau Youth Research Development Institute is under  
9 Youth Bureau?

10 MR. CLARK: Object to the form.

11 THE WITNESS: What do I do?

12 MR. CLARK: You can answer.

13 A. I don't recall. I know the structure. I  
14 guess so, yeah. They hired me and I worked for a  
15 project. The project was Sanctuary, part of Youth  
16 Bureau. Yes, they oversaw the Youth Bureau.  
17 Everyone called it the Youth Bureau, no matter where  
18 the funding came from, they were the name that rang,  
19 the Youth Bureau.

20 Q. You're saying they're the people; who are  
21 you referring to when you say they?

22 A. Maria Georgiou, Patsy Hirschhorn, Roxanne  
23 Sands, Janine Salgado, were responsible for the  
24 oversight of all projects, as I understand it, under  
25 the auspices of the Youth Bureau system, including

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2 the project CYAs, et cetera.

3 Q. And are you saying that the Huntington  
4 Youth Bureau Youth Research Development Institute is  
5 under Huntington Youth Bureau?

6 A. Yes.

7 Q. And what was Roxanne Sand's function?

8 A. Training and drug and alcohol, I believe,  
9 I believe.

10 Q. When you say training, what do you mean by  
11 that?

12 A. Staff training, professional development  
13 it might be called, or staff development. I don't  
14 know her job title or her job description. That's  
15 from my recollection of what she did when I was  
16 there, she being Roxanne Sands.

17 Q. Did you ever report to Roxanne Sands?

18 A. Not officially. I interacted with her.

19 Q. What were your interactions with  
20 Miss Sands?

21 A. I was there for two years. I'm not sure  
22 what you want me to...

23 Q. What were your professional interactions  
24 with her?

25 A. If I had a question or if she had a

1 Zenkus 36  
2 question, we'd speak. She was not my direct  
3 supervisor, you know. I didn't report to her on a  
4 weekly basis about the progress of my project.

5 Q. You say Miss Sands provided staff  
6 training; what kind of staff training did she  
7 provide?

8 A. Typical staff-development training for  
9 workers in the Youth Bureau system on different  
10 skills and different information, educational things  
11 that would pertain to people in the  
12 youth-and-family-services field.

13 Q. Did you attend any of her trainings?

14 A. I don't believe so. As a director, as a  
15 project director, no.

16 Q. Who would attend the staff trainings that  
17 she would organize?

18 A. Anyone that wanted to go, I guess, staff,  
19 more likely than not line-worker staff. We consider  
20 the people that do the direct service not  
21 administrators.

22 Q. Did you consider yourself an administrator  
23 in your role as Project Director of the Sanctuary  
24 Project?

25 A. I considered myself as an administrator,

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2 yet my job description, if I remember it, there were  
3 some direct duties that I did. I did some outreach  
4 as well, and I was an administrator, not exclusive.

5 Q. Just getting back to Miss Sands' training  
6 for staff, can you tell me some of the subject areas  
7 that she would provide training on?

8 A. I honestly don't recall.

9 Q. Do you recall what Janine Salgado's role  
10 was with the Youth Bureau?

11 A. My best recollection was that Janine  
12 Salgado oversaw the CYAs, of which Youth Directions  
13 and Alternatives is a project, and human resources,  
14 I don't know that that was her title.

15 Q. Any other functions that she had?

16 A. I'm sure, but I don't know.

17 Q. When you say that Miss Salgado had human-  
18 resources functions, what do you mean by that?

19 A. I believe that she had, you know, that  
20 there was some involvement in HR policy making and  
21 through her position.

22 Q. Is Miss Salgado someone that employees  
23 were to go to if they had any issues with their  
24 employment?

25 A. I don't remember. I guess. I don't

1 Zenkus 38

2 remember.

3 Q. Going back to your responsibilities as an  
4 Executive Director at Sanctuary Project, you  
5 testified that -- can I finish my question -- you  
6 testified that you oversaw, managed grants, you  
7 supervised staff, you played a minor role in grant  
8 writing, you worked on agency PR, worked on the  
9 daily functioning of the project and you did  
10 anything else that Patsy Hirschhorn, your  
11 supervisor, asked you to do.

12 A. Uh-huh.

13 Q. Are there any other responsibilities other  
14 than those that you had as an Executive Director at  
15 Sanctuary Project from 2002 until you left your  
16 employment there?

17 A. I think that covers it. There may have  
18 been in my job description, but I have not looked at  
19 that in years.

20 Q. In terms of the responsibilities you  
21 yourself carried out though, is that a complete list  
22 of all the responsibilities you carried out as a  
23 Project Director from December 9, 2002 until the  
24 time you left?

25 A. I did many things, met with the advisory

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2 board, interacted with school officials, I guess  
3 that's community and agency PR, outreach, and some  
4 interventions, depending on what was going on.

5 Q. What do you mean by interventions?

6 A. If a counselor was talking to a family and  
7 the parent had a problem, they may come to me, to  
8 me, a Project Director, if a staff person is out. I  
9 got to fill in the gaps.

10 So there were times when I took over  
11 somebody's parent group because they weren't around,  
12 basically, sometimes you empty the garbage, you do  
13 what you need to do. So there are probably many  
14 things I did that I don't remember at this point.

15 Q. At this point sitting here today, have you  
16 now told me all your responsibilities as a Project  
17 Director from December 9, 2002 until you left your  
18 employment there?

19 A. I don't know. I don't know. I don't know  
20 that I've told you everything. You think I ran the  
21 agency, so there may have been things I did that I  
22 many not be remembering. Whatever was the daily, I  
23 guess, if I say the daily operations of the agency,  
24 that would cover anything, so I think that's more  
25 accurate. I just want to be accurate.

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2 Q. I want you to take all the time you need.  
3 I need a comprehensive list of all your  
4 responsibilities as a Project Director from  
5 December 9, 2002 until you left. So if there are  
6 more responsibilities than you haven't testified to,  
7 please take the time to think about it and tell me  
8 now.

9 A. Is it helpful to go into specifics of what  
10 staff supervision consisted of or is it enough for  
11 me to say staff supervision?

12 Q. You can tell me what staff supervision  
13 consisted of.

14 A. Do you need to know?

15 Q. I will be asking you for the details about  
16 that, but in terms of the responsibilities, you have  
17 covered everything?

18 A. I was responsible for the daily operations  
19 of the agency, including staff supervision, agency  
20 outreach, management of grants and anything that was  
21 required to implement those things.

22 Q. Have you now told me all your  
23 responsibilities as a Project Director?

24 A. I believe that covers it.

25 Q. You worked as a Project Director for the

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2 Sanctuary Project from December 9, 2002 until when?

3 A. November 2004? November 2004. I believe  
4 I was considered an employee until then, although I  
5 believe my last day was in October of 2004. I'm  
6 trying to remember the year. If this is 2006 and I  
7 was laid off a year and a half ago, that would be  
8 2004.

9 Q. When you supervised counselors, did you  
10 review the counselors' case files?

11 A. On occasion.

12 Q. Did you review the counselors' case files  
13 prior to writing up reports to the funding sources?

14 A. Whenever necessary.

15 Q. When would it be necessary?

16 A. I actually don't remember the specifics  
17 that were required in my reporting to funders. In  
18 other words, I don't remember what I needed to  
19 check. It may not have been case files, it might  
20 have been just numbers, you know, the books that  
21 tallied our numbers and sometimes case files. I  
22 don't know that case files were required to review  
23 before reporting to funders, if that's what you  
24 meant.

25 Q. When you say you reviewed tallies of cases

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2 before reporting to funders, what do you mean?

3 A. Staff would keep tallies of numbers that  
4 they, clients have cases that they opened that they  
5 did work with, and that's how I would be able to  
6 report who we were seeing.

7 Q. Where were the tallies kept?

8 A. Well, notebooks, marble notebooks.

9 Q. And each counselor had a marble notebook  
10 where they logged the clients they saw; is that  
11 correct?

12 A. I think so. I don't remember if they were  
13 all separate, but yeah, they were notebooks that had  
14 the numbers in them. That's all I remember.

15 Q. Prior to putting together a report for the  
16 funders, you would review the marble notebooks to  
17 see how many clients each counselor had worked with;  
18 is that correct?

19 A. That's one of the things, yeah.

20 Q. What other documents would you review in  
21 putting together your funding reports? Take all the  
22 time you need.

23 A. I don't remember. I feel like it must  
24 have been more. It never seemed that simple. But I  
25 really don't remember.

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2 Q. If you remember later on, you can let me  
3 know.

4 A. Okay, yeah.

5 Q. As the Project Director of the Sanctuary  
6 Project, you would need to know the funding  
7 requirements for each counselor position; is that  
8 fair to say?

9 A. It is fair to say.

10 Q. Why did you choose to work at the  
11 Sanctuary Project?

12 A. Well, two reasons. One, the word  
13 "Director" was in front of my name, and I think it  
14 would look good on a resume in the field of social  
15 work to have administrative experience, additional  
16 experience. And the bottom line is, it was  
17 substantially more money than I was making with my  
18 other job, somewhere about six or seven thousand  
19 more-ish, that was probably my prime motivation.

20 Q. And why did you leave the Sanctuary  
21 Project in November '04?

22 A. Our grant was pulled. Well, that's, can I  
23 say strike that? We were not awarded a grant.  
24 Grants are for three years. There's different  
25 grants. I was, if I remember directly, on the

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2 federal grants that is a three-year grant. It  
3 expired every three years.

4 The grant has to be rewritten and  
5 resubmitted, and it was rejected. So there was no  
6 money. I was laid off because they could not afford  
7 to keep me.

8 Q. Was any other position at Sanctuary  
9 Project affected by the loss of this funding?

10 A. Yes.

11 Q. Which positions other than your own?

12 A. I don't remember who was funded by the  
13 state and who was funded by the feds. And one  
14 position was half and half. If you have  
15 information, it would probably refresh me, but I  
16 don't remember which ones were.

17 You know what? I don't remember which  
18 ones. I know it was me. The program was gutted. I  
19 think it was about a 180 to 190,000 loss, that was  
20 our main source of funding. The way grants go, one  
21 position is fully funded, another position is partly  
22 funded. A part-time secretary is fully funded.

23 It's just the formula was drawn up before  
24 I got there, but yeah, there was other positions.  
25 The secretary had to leave. There was no money. I

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2 think only the state funds, anybody working with  
3 state funds could stay.

4 Q. To be clear, the position that you held as  
5 the Project Director was funded by federal grant; is  
6 that what you said?

7 A. As I understand it, to my best  
8 recollection, I was fully covered by that federal  
9 grant. And when that ended, I was told I no longer  
10 could receive paychecks, but I was welcome to stay  
11 if I wanted.

12 Q. You said they said you were welcome to  
13 stay if you wanted; in what capacity?

14 A. I was offered the opportunity to apply for  
15 another position making substantially less money.  
16 And it might have been part time and it was a  
17 direct-service thing, but nothing I could afford to  
18 take.

19 Q. Do you recall what position that was?

20 A. No.

21 Q. Do you recall which project that was with?

22 A. I think it might have been Sanctuary. It  
23 wasn't an offer either. It was if there's an  
24 opening, you can apply for it, that kind of thing,  
25 but not a...

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2 Q. Were you offered any other positions?

3 A. No, I was not.

4 Q. Were you ever told that if the federal  
5 funding was regained that you could return as a  
6 director of the project?

7 A. I don't recall ever being told that.

8 Q. And who had the conversation with you with  
9 regards to the termination of your employment at the  
10 Sanctuary Project?

11 A. Basically I received a phone call saying  
12 from the, I'm not being facetious, I knew when I got  
13 the phone call from the federal contract manager  
14 that when that grant was pulled, I was done. I  
15 mean, unless money could be raised or found through  
16 the town, I was out. I knew that, I just didn't  
17 know when.

18 So the conversation on when I was leaving  
19 and how much money was left was with Patsy  
20 Hirschhorn, but I believe I knew before she did  
21 because I received that phone call. I was the first  
22 to know that I was going to go.

23 Q. Who had the conversation with you that if  
24 there was an opening, you can apply for it?

25 A. Patsy Hirschhorn mentioned to me that

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2 there may be a direct-service position that I might  
3 be interested in, if it meant the difference between  
4 that and not working, but I couldn't afford to take  
5 it.

6 Q. In all the employment that you have had,  
7 have you ever been asked to resign from any job?

8 A. Yes.

9 Q. Yes?

10 A. Yes.

11 Q. Which job?

12 A. Youth Directions and Alternatives.

13 Q. Which position?

14 A. Street Outreach Worker.

15 Q. When were you asked to resign?

16 A. I guess the last month I was there.

17 Q. Why were you asked to resign?

18 A. My resume did not accurately reflect my  
19 education.

20 Q. When you say your resume did not  
21 accurately reflect your education, was the resume  
22 submitted as part of your application for the  
23 street-worker position?

24 A. Yes.

25 Q. And what was misrepresented?

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2 A. It indicated that I had a bachelor's in  
3 social welfare before I was awarded the bachelor's.  
4 I never finished the bachelor's during my employment  
5 there because it wasn't required for the position.

6 And I didn't tell them, I guess, until  
7 later that I still needed to get those papers done.  
8 And the board asked me to leave.

9 Q. Did you finish your answer?

10 A. Yes.

11 Q. Did you have to take additional courses to  
12 get your bachelor's?

13 A. I think my recollection was I needed to  
14 finish my incompletes. I had papers. I took the  
15 course work, didn't finish the papers and needed to  
16 finish the papers. I procrastinated for quite some  
17 time, for years.

18 Q. And who asked you to resign from the  
19 street-outreach position at Youth Directions and  
20 Alternatives?

21 A. Who physically, verbally asked me?

22 Q. Yes.

23 A. Cynthia Scott.

24 Q. What was her position?

25 A. Director or Executive Director, I'm not

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2 sure how they referred to her. She was the top  
3 person at the YDA.

4 Q. Was the basis for her asking you to leave  
5 your position as Street Outreach Worker that you  
6 misrepresented the qualifications in your  
7 application?

8 A. What she told me was that she brought the  
9 information to the board of directors about me not  
10 having the bachelor's at the time that I applied for  
11 the position, with the intent of putting me on a  
12 timetable to finish my papers.

13 I don't remember what the timetable was,  
14 but a month, 60 days I had to finish, whatever it  
15 was, I don't recall. And the board decided that  
16 they no longer wanted to employ me.

17 MS. WONG: I'd like to have this document  
18 marked as Zenkus Exhibit Number 4 and shown to  
19 the witness.

20 (Zenkus Exhibit 4, document Bates stamped  
21 6034 through 6037, marked for identification,  
22 as of this date.)

23 MS. WONG: For the record, what has been  
24 marked as Zenkus Exhibit Number 4 is a document  
25 Bates labeled 6034 through 6037.

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2 MR. CLARK: Also for the record, it is a  
3 document that is covered by the confidentiality  
4 agreement.

5 Q. Mr. Zenkus, can you identify this document  
6 as your employment application for the Street  
7 Outreach Worker position at Youth Directions and  
8 Alternatives?

9 A. Street worker, yes.

10 Q. Is that your handwriting?

11 A. Yes.

12 Q. Under education, specifically with regard  
13 to college education, you noted Adelphi University  
14 from 1982 to May 1988, correct?

15 A. Yes.

16 Q. And you noted that you graduated in  
17 May 1988 with a bachelor's in social work, correct,  
18 or BSW in social work?

19 A. Yes.

20 Q. Now you in fact did not graduate until  
21 1992 from Adelphi University, correct?

22 A. I believe it was '92, correct.

23 Q. You can set this document aside for now.  
24 When did you work at Harborfield High School?

25 A. I worked for the YDA, so yes, my work took

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2 me there.

3 Q. And when you worked with the Youth  
4 Directions and Alternatives providing services at  
5 the Harborfield High School, did you interact with  
6 students?

7 A. Yes.

8 Q. Did you ever tell any students that you  
9 were dying or had an illness?

10 A. That I had an illness, yes.

11 Q. Did you in fact have an illness at that  
12 point?

13 A. Yes, I believe so.

14 Q. Why did you tell the students that you had  
15 an illness?

16 A. I believe I was anxious.

17 Q. What was your role at that point?

18 A. Youth worker.

19 Q. What was your role with the students as a  
20 youth worker?

21 A. Counselor, outreach.

22 Q. Were you providing counseling services to  
23 the students at the time?

24 A. Outreach, education, counseling, outreach  
25 for programs.

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2 Q. What specific kind of outreach were you  
3 providing to the students?

4 A. Outreach for programs going on at the  
5 Youth Bureau and the YDA, drop in, whatever  
6 programs.

7 Q. Was it an informational relationship that  
8 you had with the students where you provided them  
9 information about the various programs available at  
10 the Youth Bureau?

11 A. Yes.

12 Q. And you say you counseled the students; in  
13 what capacity did you counsel them?

14 A. Informal counseling, if they had a problem  
15 or a question, they could come to me, referrals.

16 MS. WONG: I'd like to have this document  
17 marked as Zenkus Exhibit 5 and shown to the  
18 witness.

19 (Zenkus Exhibit 5, document Bates stamped  
20 6000, marked for identification, as of this  
21 date.)

22 MS. WONG: Before you show it to the  
23 witness, I want to ask Mr. Zenkus a question.

24 Q. During your employment at the Sanctuary  
25 Project, were you ever reprimanded?

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2 A. Yes.

3 Q. By whom?

4 A. Maria Gerogiou.

5 Q. For what reason?

6 A. Two occasions that I remember, the first  
7 being that there was no heat in the agency. I had a  
8 friend that worked for the town board. The staff  
9 and I were very cold. It was probably about  
10 60 degrees or 58 degrees inside. It was not at all  
11 a workable and a pleasant atmosphere to work in.

12 And I had let my supervisor know that  
13 everyone was freezing on the third floor. And she  
14 said she would tell the appropriate people. And  
15 nothing happened. So I called my friend at the town  
16 and said, we're freezing. And she had somebody from  
17 town services turn the heat on.

18 And Maria called me into her office and  
19 yelled at me for going over her head and said I was  
20 never to do that again.

21 Q. Do you recall when that incident occurred?

22 A. No.

23 Q. Were you written up?

24 A. I was not written up for that. She did  
25 not give me anything. If she took notes on that, I

1 Zenkus 54

2 don't know, but I don't believe I was written up for  
3 that.

4 Q. You said there was a second time you were  
5 reprimanded by Miss Georgiou; what was the second  
6 time about?

7 A. It was after I found out that I was being  
8 laid off, there was a meeting with the advisory  
9 board -- no, strike that -- a meeting with the Youth  
10 Bureau board, I'm not sure what it was called, the  
11 board of the Youth Bureau.

12 And my advisory board director, the  
13 advisory border president for Sanctuary was also the  
14 president of the board for the Youth Bureau, which  
15 was, I don't believe, an advisory board, I believe  
16 it was a board of, oh, I don't know, the board of  
17 the Youth Bureau and the board of Sanctuary have the  
18 same president.

19 I was scheduled to make an appearance to  
20 talk about Sanctuary, if I remember correctly. I  
21 don't know what this was about. It was something to  
22 do with the board. And she was upset that I was  
23 going to a meeting. She thought I initiated going  
24 to this meeting.

25 And she came up to my office. And I

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2 believe she said that I spoke with her in an  
3 insubordinate way. And she was very unhappy. She,  
4 Maria Georgiou, was unhappy with my demeanor and my  
5 actions. I don't recall the specifics. I know she  
6 was very unhappy. She wrote me up for that.

7 Q. How did you speak to her?

8 A. I believe I spoke with her, I don't know,  
9 I may have been angry.

10 Q. What was the substance of the  
11 conversation, if you recall?

12 A. Maria was upset that I was going to a  
13 board meeting. It seemed I did not plan on going to  
14 that board meeting. I was waiting to hear if I  
15 needed to go to the board meeting, which meant that  
16 my advisory board president or Maria or somebody  
17 would tell me you need to go to this meeting.

18 And Maria said, I don't remember what  
19 Maria said, paraphrasing, Maria was under the  
20 impression that I was urging to board members  
21 outside of work and that I planned to go to this  
22 meeting.

23 And my response was if I was planning to  
24 go to the meeting, I would be dressed differently, I  
25 would be wearing a tie. And I was dressing very

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2 casually that day, for me. That was my response.

3 Q. Is that the sum total of your interactions  
4 with her during the meeting where she found you  
5 acting in an insubordinate fashion?

6 A. That's all I remember.

7 Q. Did you go around her to talk to some  
8 board members?

9 A. No, because I did not need to speak to her  
10 in order to speak with a board member. I could  
11 speak with any of the advisory-board members that I  
12 wanted to. And it was a small board. There was  
13 only a few people.

14 Q. So did you talk to some of the board  
15 members?

16 A. Yeah, I talked to them regularly.

17 Q. I'd like to show you what has been marked  
18 as Zenkus Exhibit Number 5. For the record, it is a  
19 one-page document Bates labeled 6000 with a  
20 confidential stamp in the upper right-hand corner.

21 Can you identify this document as a memo  
22 notice from Maria Georgiou with regard to the  
23 insubordinate incident that you testified to?

24 A. Yes.

25 Q. Does this document refresh your

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2 complaint of discrimination.

3 Q. Did you receive any complaint that you  
4 believed was about employment discrimination?

5 A. Not about the complaint of discrimination  
6 that I received, no.

7 Q. Are you aware of any complaint against the  
8 Youth Bureau related to employment discrimination?

9 A. This particular case I am aware of. That  
10 is the only one I'm aware of.

11 Q. When did you become aware that  
12 Miss Schmidt believed that she was being  
13 discriminated against; were you still working at  
14 Sanctuary Project?

15 A. Yeah, yes.

16 Q. When did you first become aware that  
17 Miss Schmidt complained of discrimination?

18 A. I don't remember. After her termination I  
19 remember a -- can I jump back for a second? I'm  
20 just concerned that my testimony is consistent with  
21 what you need to know.

22 When you asked if I received a complaint  
23 of discrimination, I took that to mean that someone  
24 gave to me, someone complained to me that they were  
25 complaining against the Youth Bureau. The Youth

1 Zenkus 69

2 Bureau did let me know and did share with me  
3 documents relating to a complaint that Miss Schmidt  
4 filed through a law firm, if I remember correctly,  
5 out of state. I don't know if it was a legal  
6 letter. I'm not aware exactly of what it meant, but  
7 that is my recollection.

8 There was a letter that Miss Schmidt wrote  
9 to Maria Georgiou, my recollection of the month and  
10 the year is probably not accurate, I believe it was  
11 somewhere around April. And it involved a  
12 disagreement between Miss Schmidt and I on whether  
13 street outreach could be performed, should be  
14 performed alone.

15 I believed in that letter that  
16 Miss Schmidt referred to being treated differently  
17 than other staff. I will tell you, I know that in  
18 one of these memos or letters she referred to it.  
19 I'm not exactly sure which one. I believe it was  
20 the one regarding her interpretation of whether or  
21 not street outreach could be done or should be done  
22 alone. And my directive was that it should be or  
23 that it was okay. So there was a disagreement.

24 Well, I'm sorry, I'm going off, stuff you  
25 didn't ask. So I remember her saying somewhere in

Zenkus 7/12/06

1 Zenkus 70  
2 the letter, and I believe the letter wasn't to me, I  
3 believe it was to Maria Georgiou, that she was being  
4 treated differently or felt that she was being  
5 treated differently than other staff.

6 Q. This letter that you are referring to that  
7 Miss Schmidt had written to Miss Georgiou you say  
8 was in around April; which year?

9 A. 2003, I believe, that's my guess, my best  
10 estimate, I'm sorry.

11 Q. It was during the time when Miss Schmidt  
12 was still employed, correct, that she would have  
13 written the letter to Miss Georgiou?

14 A. Yes.

15 Q. When did you first become aware of this  
16 letter of April 2003 that Miss Schmidt wrote to  
17 Miss Georgiou about being treated differently than  
18 other staff from yourself?

19 A. I don't remember, at some point after, I  
20 really don't remember when.

21 Q. Do you recall whether it was soon after  
22 the letter was given to Miss Georgiou that you were  
23 informed of such a letter?

24 MR. CLARK: Object to the form.

25 A. I don't remember when I was aware of it.

1 Zenkus 72

2 MS. WONG: Can you read it back.

3 (Pending question was read.)

4 A. I don't remember any actions being taken  
5 as a result of that.

6 Q. Did Miss Georgiou talk to you about this  
7 letter that Miss Schmidt had written to her in  
8 around April 2003?

9 A. I don't recall speaking to Miss Georgiou  
10 about the letter.

11 Q. And you say that you assumed, but you  
12 don't recall speaking to Miss Hirschhorn about this  
13 letter either, right?

14 A. No, I accepted -- I assumed  
15 Miss Hirschhorn was the person that gave me the  
16 letter. I definitely spoke with Miss Hirschhorn  
17 about the letter.

18 Q. So now you recall getting this letter from  
19 Miss Hirschhorn?

20 A. What I'm saying, no, I don't know who gave  
21 me the letter. I remember conversing with Miss  
22 Hirschhorn in supervision about it. My assumption  
23 was she would be the person that gave it to me. I  
24 don't remember. I remember speaking to her about it  
25 in supervision.

1 Zenkus 74

2 And then she was written up for not doing  
3 it, the dispute being around whether or not it was  
4 okay for a staff person to do outreach alone, is  
5 that something safe or not safe. I thought it was.  
6 Her interpretation was that it was not. She did not  
7 feel that it was okay for her to do. A memorandum  
8 was written up for that. That's my recollection.

9 Something about Marilu Kalmbach had said  
10 at one point, I don't know if this is what Miss  
11 Schmidt had said, that people did not have to do an  
12 outreach if they felt unsafe. I remember there  
13 being a conversation about that, not exactly.

14 So when Miss Hirschhorn and I spoke about  
15 it, it had to do with the content of what went on,  
16 which was that I asked this employee to do  
17 something. The employee did not do it in the time  
18 that I asked her to do it.

19 The conversation with Miss Hirschhorn, I  
20 remember Miss Hirschhorn being -- I can't speak to  
21 her emotions -- she appeared to me to be unhappy  
22 with the letter and somewhat dismissive of it. As  
23 far as whether or not it meant anything in the sense  
24 of it's not going to change or whether or not this  
25 memorandum of warning stood in Miss Schmidt's file,

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1 Zenkus 77

2 A. I object to the word against. I don't  
3 mean to object. I don't mean to be a pain.

4 Q. Let me ask you what you mean then when  
5 you're referring to the memo not being removed, what  
6 memo are you talking about?

7 A. My understanding, my recollection is that  
8 a memorandum of warning was placed in Miss Schmidt's  
9 personnel file saying that she did not perform  
10 outreach as directed.

11 My understanding also is that Miss Schmidt  
12 petitioned that memorandum of warning offering an  
13 explanation as to why the outreach wasn't performed  
14 on that particular day and what her understanding  
15 was of street outreach.

16 If I remember correctly, it's been awhile  
17 since I saw that letter, that she also wanted to  
18 have, this is a guess, that's all I can say, it's a  
19 shady memory, that she wanted to have discussion  
20 further on what street outreach was.

21 So that it wasn't, it was in addition to  
22 being a petition to remove the memorandum of  
23 warning. I believe there was a call for a  
24 discussion of why she made the choice that she made.

25 Q. You earlier testified that the letter that

1 Zenkus 78

2 Miss Schmidt wrote to Miss Georgiou in or around  
3 2003 also concerned her statement that she was being  
4 treated differently from other counselors, correct?

5 A. Yes.

6 Q. Okay. Now did this issue that  
7 Miss Schmidt raised about being treated differently  
8 from other counselors ever get addressed between  
9 yourself and Miss Hirschhorn?

10 A. Yes.

11 Q. What conversations if any did you have  
12 about this topic?

13 A. I shared my interpretation that I  
14 definitely, absolutely treat Miss Schmidt  
15 differently based on performance in the workplace  
16 and my perception of what interventions needed to  
17 happen with a particular staff person that I didn't  
18 agree with.

19 If this is the letter, again, I'd have to  
20 remind you that I don't have it in front of me, if  
21 this is the letter that referred to being treated  
22 differently than, I believe, younger staff, I don't  
23 know if this is the one that used the word younger.

24 But now I'm remembering, there was one I  
25 believe that said that before, before the lawsuit,

1 Zenkus 84

2 some meeting of the minds.

3 My question to you is, did you consider  
4 the letter that Miss Schmidt wrote to Miss Georgiou  
5 as discussing her, Miss Schmidt's, complaint that  
6 she was treated differently than younger counselors?

7 A. My problem with the question is the word  
8 complaint. In this letter, as best as I can recall,  
9 Miss Schmidt discussed a few things, including that  
10 she felt she was treated different than other  
11 younger counselors.

12 Please understand, if this is the letter  
13 I'm remembering, if this is the particular letter  
14 where she used that phrase, for some reason that  
15 stands out in my mind, I may be paraphrasing, then I  
16 don't know that I viewed it as a complaint.

17 There were things in that letter, there  
18 were many things in that letter. It addressed many  
19 issues. This seemed to be one that was mentioned,  
20 that she was not believing that she was being fairly  
21 treated by me.

22 Q. You don't consider that a complaint, that  
23 she's not being treated fairly as compared to  
24 younger counselors?

25 A. I don't know that it's a complaint.

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1 Zenkus 90

2 in November 2004; can you tell me who were the  
3 counselors who worked during that time period?

4 A. Janie Schmidt, Liz Graeve, Jennifer  
5 Grosser, and a part-time parent educator,  
6 technically not a counselor.

7 Q. Just focusing on counselors.

8 A. Yes.

9 Q. And if you know, can you tell me the ages  
10 of each of the counselors who worked at the  
11 Sanctuary Project during the time that you were  
12 there.

13 A. At the time?

14 Q. Yes.

15 A. Liz Graeve was 25ish, I can't give you  
16 specifics, I don't remember, somewhere around there,  
17 and recently out of grad school, so that would be  
18 right.

19 I don't know that Jennifer was 30, she may  
20 have been 27, 28, 29, 30 upper 20s. Janie I'm not  
21 sure exactly, I would guess over 50, 50ish, I'm  
22 pretty sure. I don't know the exact number, but  
23 ballpark, that was my remembrance.

24 Q. At some point during your employment as a  
25 Project Director at the Sanctuary Project from

1 Zenkus 91

2 December 2002 to November 2004, there were some  
3 changes in counselors, correct?

4 A. I don't know what you mean by changes in  
5 counselors.

6 Q. Did some counselors leave and some new  
7 ones join the staff?

8 A. Oh, yes.

9 Q. Can you tell me when the changes occurred?

10 A. Dates again?

11 Q. During the time that you were Executive  
12 Director from December 2002 to November 2004, I'm  
13 asking you all the counselors who worked there.

14 A. Got it.

15 MR. CLARK: Object to the form. It is  
16 Project Director.

17 Q. Project Director.

18 A. Right. I don't know what they called me.  
19 I believe October, September, October 2003, Janie  
20 Schmidt left the position, she left. That was the  
21 change. Elizabeth Brown was hired after that, maybe  
22 a month or two, maybe two months, might have been  
23 December, it was within that time period, yeah.

24 Q. Was Miss Brown the replacement for  
25 Miss Schmidt?

1 Zenkus 92

2 A. Miss Brown filled the Independent Living  
3 Skills Counselor position, yes, she stepped into  
4 that program.

5 Q. How old was Miss Brown when she was hired  
6 to be the Independent Living Skills Counselor at the  
7 project?

8 A. I believe in her 20s. I don't know  
9 exactly.

10 Q. Did you hire Miss Brown?

11 A. I interviewed Miss Brown. As I understand  
12 it, I really can't hire anybody. Did the project  
13 hire her, yes.

14 Q. Who hired Miss Brown?

15 A. What do you mean hired, gave her a letter  
16 of hire?

17 Q. Who extended the offer to Miss Brown?

18 A. Oh, I extended the offer based on the, you  
19 know, direction of my superior, Patsy Hirschhorn.

20 Q. Did you recommend that Miss Brown be  
21 hired?

22 A. Yeah, I believe I did.

23 Q. Did Miss Hirschhorn interview Miss Brown?

24 A. Can we go back to recommend? I was --

25 Q. What do you mean by recommend?

1 Zenkus 111

2 the counselors in a social setting outside of work?

3 A. Yes.

4 Q. With whom?

5 A. Liz Brown.

6 Q. What were the social interactions you had  
7 with Miss Brown outside of work?

8 A. What did we do?

9 Q. Yes.

10 A. Watched her play volleyball with some  
11 friends, sometimes there might have been dinners  
12 with other people, maybe going to a bar, or I  
13 remember once I was playing an open-mic night and  
14 she and her friend came to see us play. So I don't  
15 remember how many times specifically or anything but  
16 the type of things.

17 Q. Have you now described all the social  
18 interactions that you had with Miss Brown that you  
19 had outside of the work setting?

20 A. Describing the ones I can remember.

21 Q. Did you have any social interactions with  
22 Liz Graeve outside of the work setting?

23 A. No.

24 Q. Did you ever invite Miss Graeve to watch  
25 your band perform?

Zenkus 7/12/06

1 Zenkus 112

2 A. Yes.

3 Q. Did she ever take you up on your  
4 invitation?

5 A. I don't remember, that's why I questioned  
6 the social interactions, I don't remember her ever  
7 coming. I don't think she ever did.

8 Q. Did you ever invite Miss Graeve to go out  
9 with you for drinks?

10 A. I think there was a happy hour that I may  
11 have invited her to, I don't recall. It's possible.  
12 Possible is not a good answer. I don't remember.

13 Q. Do you recall inviting Miss Grave to any  
14 other social interaction outside of the work  
15 setting?

16 A. No.

17 Q. Did you ever invite Jen Grosser to watch  
18 your band perform?

19 A. Yes.

20 Q. Did she ever accept?

21 A. No.

22 Q. About how many times did you invite Jen  
23 Grosser to watch your band perform?

24 A. I don't know.

25 Q. About how many times did you invite Liz

1 Zenkus 113

2 Graeve to watch your band perform?

3 A. I don't know.

4 Q. Did you ever invite Jen Grosser to happy  
5 hour with you?

6 A. I don't remember.

7 Q. Did you invite Jen Grosser to any other  
8 social interactions?

9 A. I don't believe so.

10 Q. Did you ever invite Janie Schmidt to any  
11 social events?

12 A. I don't recall any.

13 Q. Did you ever invite Miss Schmidt to listen  
14 to your band perform?

15 A. I don't remember.

16 Q. Did you ever invite Miss Schmidt to happy  
17 hour?

18 A. I don't recall if I invited her to happy  
19 hour. I don't think we had any happy hours. We had  
20 a few. I'm just talking to myself, which is  
21 probably not okay.

22 Q. All right. Yes, it is very poor.

23 A. No, I do not remember ever inviting her to  
24 happy hour. And no, I don't remember inviting her  
25 to see the band play.

1 Zenkus 145

2 A. I'm not understanding that question  
3 clearly.

4 Q. Okay. Is one counselor position more  
5 challenged in terms of getting clients than another  
6 counselor position?

7 MR. CLARK: Object to the form.

8 A. I don't know. I don't know how to answer  
9 your question.

10 Q. Do you understand my question?

11 A. Not really.

12 Q. Is it more challenging for the Independent  
13 Living Skills Counselor versus the Runaway Counselor  
14 to get clients?

15 A. I don't know. I don't know.

16 Q. The way that you count the cases is based  
17 on what you read off of the model book; is that  
18 correct?

19 A. The way that I counted the cases?

20 Q. Right.

21 A. No, that's the marble notebook is the way  
22 the counselors record it, I would count from there.

23 Q. So when you had to come up with the total  
24 number of clients that were served as required by  
25 the funding sources, how did you count the cases?

1 Zenkus 146

2 A. That's the marble notebooks of the number  
3 the counselors recorded. And if there is any  
4 discrepancy, you also would count the number of  
5 cases open and closed.

6 Those case files that are there  
7 physically, you want to match them up, make sure  
8 that they're the same. Some would have 20 open and  
9 five closed, you wrote 25 down. You want to count  
10 to make sure those things existed, so I would look  
11 at those too at times.

12 Q. Anything else you looked at in deciding  
13 how many cases a counselor indeed served each year?

14 A. I don't recall. I don't recall anything  
15 else.

16 Q. And how did you determine how many of the  
17 cases logged in the marble book were intensive  
18 cases?

19 A. The only way to do that would be by  
20 looking at the case notes.

21 Q. Looking at the case files themselves?

22 A. And through supervision, through hearing  
23 what the counselors say about the clients.

24 Q. Did you ever provide anything in writing  
25 to the counselors about what cases should be logged

1 Zenkus 159

2 A. I don't know, actually, I don't know. I  
3 don't remember. I'd have to see it. I don't recall  
4 what they were.

5 Q. When you say it didn't change, what do you  
6 mean then?

7 A. I don't remember that it changed.

8 Q. And in terms of the requirement of the  
9 number of clients that needed to be served in 2003  
10 versus the 2002, was there any change?

11 A. I don't believe so. However, my boss told  
12 me we needed to do 62 instead of 45 because we  
13 needed to make up for lost ground.

14 MS. WONG: I'd like to have this document  
15 marked as Zenkus Exhibit 10 and shown to the  
16 witness.

17 (Zenkus Exhibit 10, document Bates stamped  
18 1192 through 1194, marked for identification,  
19 as of this date.)

20 MS. WONG: For the record, what has been  
21 marked as Zenkus Exhibit Number 10 is a  
22 document Bates labeled 1192 through 1195.

23 Q. Can you identify this document as the  
24 Program Annual Report for the Independent Living  
25 Skills Counselor position in 2003?

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160

1 Zenkus 160

2 A. Yes.

3 Q. And you completed this report, correct?

4 A. Yes.

5 Q. And your signature is on the first page of  
6 this document?

7 A. Yes.

8 Q. And it is dated February 2, 2004, correct?

9 A. Yes.

10 Q. What were the number of youths that were  
11 provided intensive case-management services in 2003?

12 A. The number of youth reported to have been  
13 provided that service is 28.

14 Q. You say reported?

15 A. I got that from the marble notebook most  
16 likely.

17 Q. You would have verified that that is  
18 indeed the case?

19 A. Hopefully. I don't know that I did. I  
20 should have.

21 Q. And how many youths received Independent  
22 Living Skills Training through workshops?

23 A. 147.

24 Q. And again, here, were there any youths  
25 under 16 that were served and counted as your 28?

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1 Zenkus 161

2 A. No, not according to this.

3 Q. Did Janie Schmidt provide intensive  
4 case-management services to all 28 youths in 2003?

5 A. I don't believe that's the case.

6 Q. Do you recall how many of the 28 youths  
7 she provided intensive case-management services to,  
8 according to your report?

9 A. No. I remember Patsy Hirschhorn going  
10 through the cases and telling me it was well below  
11 28.

12 Q. I want to direct your attention to the  
13 document Bates labeled 1193 at the bottom,  
14 second-to-the-last paragraph, where you talked about  
15 the number of clients served by the new Independent  
16 Living Skills Counselor; that is Miss Brown, right?

17 A. I'm sorry?

18 Q. The new Independent Living Skills  
19 Counselor referred to on this document --

20 A. Yes.

21 Q. -- is Miss Brown, correct?

22 A. Correct.

23 Q. And in your report you said Miss Brown  
24 served seven clients, correct?

25 A. Yes.

1 Zenkus 162

2 Q. So then Miss Schmidt served 21 clients,  
3 correct?

4 A. Out of that 28, yes.

5 Q. Again, directing your attention to the  
6 document Bates labeled 1194, you wrote again in the  
7 second paragraph, last sentence, "The Independent  
8 Living Counselor regularly attends DSS Advisory  
9 Board meetings," correct?

10 A. Yes.

11 Q. And again, you describe in the following  
12 sentences why it is important for the Independent  
13 Living Counselor to attend the DSS Advisory Board  
14 meetings, right?

15 A. No, I say these linkages are extremely  
16 valuable, and I don't specifically say anything  
17 about DSS in the second paragraph.

18 Q. But these linkages referred to attending  
19 DSS Advisory Board meetings, right?

20 MR. CLARK: Objection.

21 A. No, it refers to the whole network of  
22 activities.

23 Q. Including the DSS Advisory Board meetings,  
24 right?

25 A. No, it is not specifically about the DSS

1 Zenkus 163

2 Advisory Board meetings are extremely valuable. It  
3 says DSS doesn't make or break the job, that meeting  
4 doesn't.

5 Q. Well, why did you have the Independent  
6 Living Counselor regularly attend DSS Advisory Board  
7 meetings; what was the importance of that?

8 A. It had been done -- look, it looks good in  
9 the grant, it makes sense. So do a lot of other  
10 things. It's not a making or breaking kind of thing  
11 and it's not what I referred to in the second  
12 paragraph.

13 Q. You can set this document aside. Do you  
14 recall what the funding requirements were for the  
15 Family Social Worker position in 2003?

16 A. No.

17 Q. And do you recall what the funding  
18 requirements were for the Runaway Social Worker  
19 position in 2003?

20 A. No.

21 Q. In 2003 did the Family Social Worker, Jen  
22 Grosser, have a difficult time getting the number of  
23 clients that she needed to have?

24 A. I do recall that being the case.

25 Q. And you had to meet with her to talk about

1 Zenkus 164

2 her low case numbers, correct?

3 A. Actually, Patsy Hirschhorn met with her to  
4 talk about her low case numbers.

5 Q. About the need to generate cases?

6 A. We met with supervisors on a regular  
7 basis. That was definitely one of the things that  
8 would be discussed with an employee that they need  
9 to bring up.

10 Q. I don't want you to talk hypothetically.

11 Did you have any conversations with Jen Grosser  
12 about her low case numbers?

13 A. Yes. I don't recall specifics.

14 Q. Do you recall how many conversations?

15 A. No.

16 Q. Do you recall also that at one point Jen  
17 Grosser requested time off and you were reluctant to  
18 give her time off because her numbers were so low?

19 A. You're refreshing my memory.

20 Q. Do you recall that?

21 A. No, I'm not disagreeing with it, no, I  
22 just don't recall. It sounds like something I might  
23 have done.

24 MS. WONG: Mark this as Zenkus Exhibit 11,  
25 please.

1 Zenkus 165  
2 (Zenkus Exhibit 11, document Bates stamped  
3 1206 through 1210, marked for identification,  
4 as of this date.)

5 MS. WONG: For the record, what has been  
6 marked as Zenkus Exhibit 11 is a document Bates  
7 labeled 1206 through 1210.

8 Q. Can you identify this document as a  
9 Program Annual Report for the Family Social Worker  
10 position that you prepared in 2004?

11 A. Yes.

12 Q. That is your signature at the bottom of  
13 the first page of this document, correct?

14 A. Correct.

15 Q. And this is the report for the year 2003  
16 for the Family Social Worker position, correct?

17 A. Yes.

18 Q. Now is it true that the number of youths  
19 that are to receive intensive case-management  
20 services is 40?

21 A. Looks that way.

22 Q. And the actual number of youths served in  
23 2003 was 35, correct?

24 A. Yes. Well, that is what's written.

25 Q. And 24 of the 35 were younger than 16

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1 Zenkus 190

2 Q. Where do you get the 40 from?

3 A. Oh, I'm looking at 16 to 20, that's the  
4 number I'm using. You said youth service.

5 Q. You don't know what kind of services the  
6 40 received?

7 A. No, not from this.

8 Q. And you know only from this report that it  
9 is noted that 31 youth received intensive  
10 case-managed services, right?

11 A. Yes.

12 Q. You can't account for what the other nine  
13 may or may not have received?

14 A. No, not from that.

15 Q. In any case, you didn't require Elizabeth  
16 Brown to do street outreach?

17 A. I don't recall that I did or I didn't. I  
18 don't recall her doing it.

19 Q. Earlier you testified that your  
20 professional relationship with all the counselors  
21 except for Elizabeth Brown was difficult.

22 A. Sometimes difficult, that's what I said.  
23 And there were sometimes difficulties with Elizabeth  
24 Brown as well.

25 Q. Did you ever go to Janine Salgado and ask

1 Zenkus 225

2 Miss Schmidt say to you that she was waiting to hear  
3 back from you in terms of whether she should do  
4 street outreach?

5 A. My recollection of the conclusion of the  
6 meeting seems different than hers. I thought she  
7 was supposed to do this and didn't do it and she  
8 thought she was waiting for me. And you talk about  
9 the resistance, because that is what happened.

10 I don't recall that she said it. I don't  
11 recall obviously the specifics of what was said at  
12 that meeting. I know what I was thinking. I felt  
13 frustrated after that meeting, so obviously I'm not  
14 telling you the word-for-word because I don't  
15 remember that.

16 Q. You testified that there was a meeting,  
17 there wasn't tension, it was fun, it was pleasant.

18 A. It wasn't hostile, but I felt frustrated  
19 because I was confused as to why things weren't  
20 happening the way that I had hoped they would.

21 Q. At any point did you give her a very  
22 clear, specific directive that she had to do street  
23 outreach or it would be insubordination?

24 A. I never used those words, no, I don't  
25 believe I did use those words.

1 Zenkus 231

2 162, marked for identification, as of this  
3 date.)

4 MS. WONG: For the record, what has been  
5 marked as Zenkus Exhibit 28 is a one-page  
6 document Bates numbered 162.

7 Q. Is this the evaluation that you completed  
8 for Miss Schmidt in March 2003?

9 A. It appears to be.

10 Q. Why did you complete this evaluation?

11 A. I don't know, part of my job duties.

12 Q. Did you ever give this to Miss Schmidt?

13 A. I don't recall.

14 Q. At the bottom it says, "Not given to staff  
15 member yet," correct?

16 A. It says that.

17 Q. Do you recall that you didn't give it to  
18 Miss Schmidt?

19 A. I don't recall whether it was given to her  
20 or not.

21 Q. But this evaluation accurately reflected  
22 Miss Schmidt's performance at that time, correct?

23 A. I'm reading through it. That's what I  
24 wrote, so I guess at the time that is what I felt  
25 was accurate.

1 Zenkus 241

2 right now too to that.

3 Q. Okay.

4 A. And I can't answer that sentence, so I  
5 won't.

6 Q. Now in terms of putting together the  
7 groups, do you recall the groups that Miss Schmidt  
8 put together?

9 A. No.

10 Q. You had a meeting on January 30th with  
11 Miss Schmidt regarding your memo of January 29, '03,  
12 correct?

13 A. I don't recall those dates.

14 Q. Let me ask it a different way: Do you  
15 recall that you gave Miss Schmidt a job-description  
16 memo on January 29, 2003?

17 A. It's one that we looked at earlier?

18 Q. Right.

19 A. Then yes.

20 Q. You gave Miss Schmidt such a memo and you  
21 did not give any other counselors such a memo at  
22 that time, correct?

23 A. Correct.

24 Q. And you learned from Miss Hirschhorn that  
25 Miss Schmidt went to her regarding the memo, right?

1 Zenkus 242

2 A. Yes.

3 Q. When did you learn about that from  
4 Miss Hirschhorn?

5 A. I don't know.

6 Q. Did you also learn from Miss Hirschhorn  
7 that Miss Schmidt felt singled out being the only  
8 one to receive such a memo?

9 A. I don't recall hearing that.

10 Q. Did you meet with Miss Schmidt subsequent  
11 to learning from Miss Hirschhorn about  
12 Miss Schmidt's complaint?

13 A. Yes, I recall meeting with Miss Schmidt  
14 about that.

15 Q. Did you in the meeting with Miss Schmidt  
16 tell her that she must speak with you before  
17 speaking with your supervisor?

18 A. I may have said that.

19 Q. And in the meeting with Miss Schmidt, did  
20 Miss Schmidt tell you that her heart was beating  
21 fast?

22 A. She said, my heart's going like this.

23 Q. What did she do, a gesture?

24 A. I think she did a gesture with her hand  
25 after she stood up, yes.

1 Zenkus 243

2 Q. A gesture with her hand over her heart,  
3 like a palpitating gesture? Could you describe the  
4 gesture, because a gesture is not being captured on  
5 the record right now.

6 A. I wouldn't say it was a palpitating  
7 gesture, hand moving back and forth like a  
8 heartbeat, like a heartbeat. My heart was also  
9 racing at the time as well.

10 Q. Did Miss Schmidt say she had to leave your  
11 office because her heart was beating too fast?

12 A. That's not why she initially said she had  
13 to leave.

14 Q. What did Miss Schmidt tell you in terms of  
15 her heart beating fast?

16 A. I have to, I don't know if she said I have  
17 to leave the office, but she said I have to get out,  
18 after I said stay, sit down, she said, my heart's  
19 beating like this, she left.

20 Q. When she left your office, was she in  
21 tears?

22 A. I don't remember that she was in tears  
23 after that point.

24 Q. Did you understand at some point that she  
25 cried after leaving your office?

1 Zenkus

244

2 A. I don't recall. I recall her being upset.

3 I don't recall if she was crying.

4 Q. And what led you to believe that she was  
5 upset when she was leaving your office?

6 A. She appeared upset to me.

7 Q. How did she appear that seemed like she  
8 was upset; can you describe what you observed that  
9 made you believe that she was upset?

10 A. I don't know if there was anything  
11 specific that clued me in, except the fact that I  
12 observed her being upset. I'm sorry if that is not  
13 a good specific answer. She told me, she might have  
14 said I'm upset. It just was, oh, just that she was  
15 upset.

16 Q. And at some point did you write her up for  
17 leaving your office during that meeting?

18 A. What do you mean, write her up, put a  
19 memorandum in her file?

20 Q. Did you write anything up?

21 A. Yes.

22 Q. About Miss Schmidt leaving your office?

23 A. Yes.

24 Q. Why did you write up a memorandum about  
25 Miss Schmidt leaving your office?

1 Zenkus 254

2 counselors?

3 A. I don't remember, definitely don't  
4 remember.

5 Q. When was the only time you gave  
6 Miss Schmidt an evaluation?

7 A. Probably September of '03.

8 Q. How close was it to the time when she was  
9 terminated did you give her that evaluation?

10 A. Within 30 days I guess, right, it was  
11 within the month, right, it was September, so...

12 MS. WONG: I'd like to have this marked as  
13 Zenkus Exhibit 30 and shown to the witness.

14 (Zenkus Exhibit 30, document Bates stamped  
15 125, marked for identification, as of this  
16 date.)

17 MS. WONG: For the record, what has been  
18 marked as Zenkus Exhibit 30 is a one-page  
19 document Bates labeled 125.

20 Q. Is this the memorandum of warning that you  
21 had written to Janie Schmidt regarding street  
22 outreach?

23 A. Yes.

24 Q. Now when did you meet? You met with  
25 Miss Schmidt on April 15th regarding street

Zenkus 7/12/06

1 Zenkus 261

2 unheard?

3 A. I won't specify to whether there is a  
4 basis to somebody's feelings. I disagreed, I think  
5 that's fair to say.

6 Q. At some point Miss Schmidt's employment  
7 was terminated; who made the decision to terminate  
8 Miss Schmidt's employment?

9 A. Maria Georgiou and Patsy Hirschhorn.

10 Q. Did you have any role in the decision to  
11 terminate Miss Schmidt's employment?

12 MR. CLARK: Object to the form.

13 A. If my role was reporting what went on at  
14 Sanctuary in my time there, but I don't know that  
15 that had anything to do with her termination. I was  
16 not in a position to terminate anybody.

17 Q. Did you suggest to either Miss Hirschhorn  
18 or Miss Georgiou that Miss Schmidt's employment  
19 should be terminated?

20 A. Actually, I don't recall suggesting that.  
21 What I do recall is Miss Hirschhorn, somewhere in  
22 the spring of '03, suggesting that Miss Schmidt's  
23 employment be terminated. And I remember believing,  
24 and I don't know that I said it, but I probably, but  
25 I'm thinking I did, that I can make this work.

1 Zenkus 262

2 Q. Do you recall why Miss Hirschhorn said in  
3 spring of 2003 that Miss Schmidt's employment should  
4 be terminated?

5 A. No. I mean, I believe generally it was  
6 just about job performance. I don't know if there  
7 was a specific thing.

8 Q. Tell me all that you can recall of the  
9 conversation where you say Miss Hirschhorn had said  
10 that Miss Schmidt's employment should be terminated.

11 A. All I remember is that Miss Hirschhorn was  
12 going to speak to Maria Georgiou about that and  
13 wanted my opinion. I don't remember what  
14 specifically was said. My opinion that I expressed  
15 was that I think I can make this work, this being I  
16 think things can get better and I think that this is  
17 not something we have to do. That was my opinion  
18 and it was my hope.

19 Q. Is that all that you recall of the  
20 conversation you had with Miss Hirschhorn?

21 A. Yes, at this point that's it.

22 MS. WONG: Excuse me for just one moment.

23 (Discussion off the record.)

24 Q. Were you part of the conversations  
25 concerning the termination of Miss Schmidt's

1 Zenkus 269

2 else, where Miss Schmidt's employment was discussed  
3 or the termination of Miss Schmidt's employment was  
4 discussed?

5 A. I believe there were, but I don't recall  
6 them.

7 Q. You never provided Miss Schmidt with any  
8 written warnings about her low case numbers, right?

9 A. I don't believe that was, I remember the  
10 one that had the number 62 on it, intensive case  
11 management, earlier in the year.

12 Q. My question is, did you ever provide  
13 Miss Schmidt a written warning about her having low  
14 case numbers?

15 A. I don't believe that was a warning, so my  
16 answer is, to the best of my recollection, no. I  
17 just, I don't believe that was a warning. I think  
18 it was a memo, not a warning.

19 Q. You're saying that you gave Miss Schmidt a  
20 memo about low case numbers; is that your testimony?

21 A. My testimony is that I recall my  
22 supervisor, Patsy Hirschhorn, giving me one, and I  
23 believe I needed to share that with Miss Schmidt. I  
24 don't know if Miss Schmidt also received it. And  
25 that is where I'm getting the number 62, you have to

1 Zenkus 274

2 street outreach. Just the quality of it was not,  
3 you know.

4 I heard that people didn't get, there was  
5 an incident with something at one of the churches  
6 that she was given information, an opportunity to  
7 contact, and that I was told did not happen. So  
8 that was, that speaks to quality. That is what I  
9 can remember right now.

10 Q. What is the factual basis for your  
11 concluding that Miss Schmidt's general work quality  
12 was unsatisfactory?

13 A. Quality or quantity? I can answer  
14 quality.

15 Q. Quantity, quantity excuse me.

16 A. The two years that I, well, it wasn't two  
17 years, the time that she worked for the agency while  
18 I was there and the year before, numbers were not  
19 met.

20 Q. And what is the factual basis for your  
21 concluding that Miss Schmidt's ability to work with  
22 coworkers was good and not excellent?

23 A. I'm not understanding why you would ask  
24 why it was good and not excellent. It was good.

25 Q. Were there any problems with her ability

275

1 Zenkus 275

2 to work with her coworkers?

3 A. Here and there, but mostly it was good.

4 That's why I wrote good.

5 Q. What were the problems with her working  
6 with coworkers?

7 A. Really, the only thing that I saw was when  
8 I was told that she wasn't doing what she needed to  
9 do with the OCFS in the beginning, only one time. I  
10 think her ability to work with coworkers was good.

11 That's why I wrote good. I don't even know, you  
12 know.

13 Q. You never verified if indeed it was  
14 Miss Schmidt's fault with regard to working with  
15 Miss Brown in OCFS?

16 A. But that is not a -- I wrote good.

17 Q. But you never verified one way or the  
18 other whether it was Miss Schmidt's fault or  
19 Miss Brown's fault regarding the planning?

20 A. I just wanted the group to --

21 Q. Please answer my question. Did you verify  
22 who was at fault, if anyone?

23 A. I don't know how I would have, so no.

24 Q. What is the factual basis for concluding  
25 that Miss Schmidt's initiative was unsatisfactory?

Zenkus 7/12/06

## EXHIBIT 4

1

2                   UNITED STATES DISTRICT COURT  
3                   EASTERN DISTRICT OF NEW YORK

4

5                   -----X  
6                   EQUAL EMPLOYMENT               ) Civil Action No.  
7                   OPPORTUNITY COMMISSION,     ) 05CV4559 (DRH) (WDW)  
8                                                     )  
9                                                     )  
10                   Plaintiff,                     )  
11                                                     )  
12                                                     )  
13                   vs.                             )  
14                                                     )  
15                                                     )  
16                   TOWN OF HUNTINGTON and        )  
17                   HUNTINGTON YOUTH BUREAU     )  
18                   YOUTH RESEARCH                )  
19                   INSTITUTE, INC.,                )  
20                                                     )  
21                                                     )  
22                   Defendants.                     )  
23                                                     )  
24                                                     )  
25                                                     )

14                   DEPOSITION OF MARIA E. GEORGIOU

15                   New York, New York

16                   Friday, July 28, 2006

17

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23

24                   Reported by:

25                   BETH RADABAUGH

1

2

3

4                   July 28, 2006

5                   10:00 a.m.

6

7

8

9

10

11                   DEPOSITION of MARIA E. GEORGIOU,  
12 held at the offices of EQUAL EMPLOYMENT  
13 OPPORTUNITY COMMISSION, 33 Whitehall Street,  
14 5th Floor, New York, New York, Pursuant to  
15 Notice and Rule 30(b)(6), before Beth  
16 Radabaugh, a Shorthand Reporter and Notary  
17 Public of the State of New York.

18

19

20

21

22

23

24

25

1 Georgiou

2 that I oversaw.

3 Q. And just to be clear, your title as  
4 youth services coordinator, it's for which  
5 organization?

## 6 A. The town.

7 Q. And as a youth services coordinator  
8 were you in some way affiliated with HYBYDRII?

9                   A.        I oversaw Pace, which was part of  
10                  HYBYDRII. My job was to oversee contracts of  
11                  the institute -- of HYBYDRII.

12 Q. After your position as youth  
13 services coordinator, when did you next work  
14 for either of the two defendants?

15                   A.       For the town.   February 1st, 2001 I  
16                   became the executive director of the town's  
17                   Youth Bureau.

18 Q. And who hired you for the position  
19 as executive director?

20                   A.       The board and Frank Petrone, the  
21 supervisor of the town.

22 Q. And is it the board and Frank  
23 Petrone that you report as an executive  
24 director then?

25 A. I report to the supervisor of the

1 Georgiou

2 A. Yes.

3 Q. Can you describe to me what the  
4 anti-discrimination training consisted of?

5 A. It consisted of areas of -- I guess  
6 what would be considered sexual, age  
7 discrimination. That kind of information was  
8 provided and we all got I think some  
9 information to take with us.

10 Q. How long did the training last?

11                   A.        For executive directors it's a full  
12                   day, or department heads.

13 Q. Can you tell me what your  
14 responsibilities are as an executive director?

15                   A.     Yes.  My responsibilities are to  
16                   oversee the functions of the Town of Huntington  
17                   Youth Bureau.  The Town of Huntington Youth  
18                   Bureau provides services to at-risk families  
19                   and youth within the Township of Huntington and  
20                   we cover between Cold Spring Harbor all the way  
21                   to Half Hollow Hills and parts of Wheatley  
22                   Heights.

23 And my other responsibilities are  
24 the budgeting and I report to the board. I  
25 have a youth board. And I oversee three staff

1 Georgiou

members and the two youth project directors and  
one youth services coordinator.

4 Q. Can you tell me the names of the  
5 people you oversee?

6 A. Yes. Patsy Hirschhorn, Roxanne  
7 Sands, and Janine Salgado. And I oversee  
8 fiscal.

9 Q. What do you mean by --

10                   A.        The fiscal department. All of the  
11                   budgeting, all of the monies.

12 Q. Okay. Other than Patsy Hirschhorn,  
13 Roxanne Sands, Janine Salgado --

14 A. And the --

15 Q. -- and the fiscal department, do you  
16 supervise any other employees?

17 A. NO.

18 Q. Was there something else you wanted  
19 to add?

20                   A.        Yes.   The grant analyst, Melissa  
21                   Aukstakalnis.

22 Q. Can you spell that for the court  
23 reporter?

24 A. Yes, A-u-k-s-t-a-l-n-i-s.

25 Q. This grant writer also reports to

1 Georgiou

2 purpose.

3 Can you describe to me the purpose  
4 of HYBYDRII?

5 A. Yes. HYBYDRII is the not-for-profit  
6 arm of the town and its purpose is to provide  
7 services to the families and youth within the  
8 Township of Huntington through special town-  
9 wide projects.

10 Q. And is one of the purposes of  
11 HYBYDRII to serve as a subcontract agency of  
12 the Town of Huntington?

13 A. It is a subcontract agency, yes.

14 Q. And are some of the projects under  
15 HYBYDRII the Sanctuary Project and the EXCEL  
16 Project?

17 A. Yes.

18 Q. Do you know who the Board of  
19 Directors are for HYBYDRII?

20 A. Yes.

21 Q. Who are they?

22 A. Frank Petrone, John Leo, Kathleen  
23 Cannon, Christine Bernacky, Howard Gary, Ron  
24 Daniels, and I serve as secretary.

25 Q. Could you tell me the title of each

1 Georgiou

2 executive director, correct?

3 A. I serve as the executive director.

4 Not a separate one, no.

5 Q. And you serve as an executive  
6 director given your role as executive director  
7 of the Youth Bureau?

8 A. Yes.

9                   Q.        Okay.  You oversee -- in your  
10                   capacity as executive director of the Youth  
11                   Bureau, you oversee HYBYDRIL, correct?

12 A. Yes.

13 MS. WONG: Okay. I would like to  
14 have this marked as Georgiou Exhibit 4 and  
15 shown to the witness.

16 (Exhibit Georgiou 4, document  
17 entitled HYB Organizational Chart 2004, is  
18 marked for identification as of this date

19 MS. WONG: For the record, what has  
20 been marked as Georgiou Exhibit 4 is a one-  
21 page document Bates labeled 26

22 Q. Can you identify this as the  
23 Huntington Youth Bureau Organization Chart for  
24 2004?

25 A Yes

1 Georgiou

2 the disciplining of any HYBYDRII employees?

3 A. No, she would not.

4 Q. Is Ms. Salgado involved in any way  
5 in the evaluation of any program directors?

6 A. NO.

7 Q. What is Ms. Salgado's role?

8                   A.        Ms. Salgado oversees the three  
9                    regional youth agencies, the contracts and  
10                  contract management for me as well as the gang  
11                  prevention program for the town.

12 Q. Does Ms. Salgado have a human  
13 resources type of responsibility also for the  
14 Youth Bureau?

15 A. No.

16 Q. Is Ms. Salgado involved in any  
17 employee relations type role for the  
18 Youth Bureau?

19 A. No.

20 Q. The office that HYBYDRII operates  
21 out of, is it town space?

22 A. Yes.

23 Q. And the HYBYDRII office is in the  
24 same building as the Youth Bureau's office,  
25 correct?

1 Georgiou

2 Q. Now, I want to focus now on  
3 Janie Schmidt.

4 A. Okay.

5 Q. When did you first meet Ms. Schmidt?

6                   A.       Probably 1990. I don't know when  
7       she started. Maybe we started together. I  
8       don't know.

9 Q. And when you say we started  
10 together, you're referring to working at the  
11 same time for HYBYDRII, right?

12 A. Right.

13 Q. Do you know how you might have met  
14 Ms. Schmidt in 1990?

15                   A.     Probably casually through sitting  
16                    together at lunch or -- that would have been  
17                    it.    We were all upstairs.  You know, you know  
18                    each other.  You talk.

19 Q. Because you all worked in the same  
20 building, right?

21 A. Right, right.

22 Q. And she never worked directly for  
23 you, right?

24 A. NO.

25 Q. You never directly supervised her,

1 Georgiou

2 was giving to him as he was trying to bring the  
3 project up, which was a direct order I had  
4 given to Patsy when we hired him and that if I  
5 took that memo out, it would really, and I  
6 rarely take memos out, would really usurp the  
7 authority of the direct supervisor. So a memo  
8 of warning stands.

9                   Q.        So you're saying it's a very rare  
10                  case that a program director's memo of warning  
11                  would not have stood?

12                   A.        That's true, but I don't get too  
13                   many.

14 Q. Now, no one was present during the  
15 discussion between Mr. Zenkus and Ms. Schmidt  
16 concerning street outreach in April 2003,  
17 right?

18           A.     As far as I know. I can't answer  
19           that. No, I don't know. I don't know what  
20           took place upstairs. If there were people  
21           around or weren't, I don't know.

22 Q. You don't know where the meeting  
23 between Ms. Schmidt and Mr. Zenkus occurred  
24 when Mr. Zenkus talked about street outreach in  
25 April 2003?